

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Donquarion Lewis; Ke'Aujanaa Shepherd-Friday;  
and K.B., by and through her parent and next friend,  
H.B.,

Plaintiff,

v.

MICHIGAN DEPARTMENT OF EDUCATION, a  
governmental agency,

Defendant.

No. 1:22-cv-00838-RJJ-PJG

HON. ROBERT J. JONKER

MAG. PHILLIP J. GREEN

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**STIPULATION AND ORDER TO MODIFY CASE MANAGEMENT ORDER**

The parties stipulate to modify the Case Management Order, as follows:

1. On March 31, 2023, the Court issued its first case management order, setting the deadline for completion of discovery as January 15, 2024, and requiring the parties to engage in Alternative Dispute Resolution by that same date. ECF No. 17.

2. On April 11, 2023, the parties issued notice to the Court that they had conferred and selected to use the services of Lee T. Silver (P36905) to mediate this matter. ECF No. 21.

3. On September 8, 2023, Judge Jonker issued an order adjourning both the deadlines for the completion of discovery and the date by which ADR must take place from January 15, 2024 to April 15, 2024. ECF No. 40.

4. That same order also adjourned deadlines related to expert witness reports and dispositive motions.

5. The parties were scheduled to mediate their dispute with Mr. Silver on December 12, 2023.

6. But on November 27, 2023, defense counsel informed Plaintiffs' counsel that the mediation would need to be postponed: the primary attorney handling this matter for the Attorney General's office was leaving the Department and his replacement would need additional time to review the case and get up to speed.

7. The parties have now set a new mediation date for March 28, 2024, which was the earliest available date for both parties' counsel and the mediator.

8. The parties want to avoid incurring additional and significant expenses for additional discovery before mediation on March 28, 2024.

9. However, given the close proximity between the new mediation date and the current discovery deadline, the parties are concerned that, if mediation is unsuccessful, it will

be difficult to complete discovery and take all necessary depositions within the short available time window following the scheduled mediation date.

10. The parties further request an extension of the remaining case management order dates, to be determined following the mediation, if necessary.

11. Fed. R. Civ. P. 16(b)(4) states that the Court's Scheduling Order “may be modified only for good cause and with the judge’s consent.”

12. Fed. R. Civ. P. 6(b) allows the Court to extend the time contained in the Court's Scheduling Order “with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expire.” *See also Prewitt v. Hamline Univ.*, 764 F. App’x 524, 530 (6th Cir. 2019) (“a district court may grant an extension request for ‘good cause’ when the request is made before expiration of the applicable deadline”).

13. The parties are working diligently to comply with the Court deadlines and have exchanged significant documents in discovery and plan to submit expense reports regarding damages prior to mediation.

14. The extension of time requested will not cause any undue hardship or prejudice to any party.

15. Good cause is shown here as detailed above.

Upon stipulation of the parties, and the Court being otherwise advised in the premises;

IT IS HEREBY ORDERED that the deadline for disclosure of expert witnesses and reports is extended from January 15, 2024 to February 15, 2024, for the party with the burden of proof, and from February 15, 2024, to April 15, 2024, for the responding party; the deadline for rebuttal reports is extended from March 1, 2024 to April 30, 2024. The deadline for the completion of discovery is adjourned from April 15, 2024 to June 21, 2024. Dates for ADR and

dispositive motions to be set at the scheduling conference currently scheduled for June 24, 2024.

Dated: January \_\_\_\_, 2024

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HON. ROBERT J. JONKER  
United States District Court Judge

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 12, 2024, I electronically filed the foregoing document, Stipulation and Order to Stay Discovery and Modify Case Management Order, and this Certificate of Service with the Clerk of the Court using the Court's ECF system, which will send notification of such filing to counsel of record.

Dated: January 12, 2024

/s/ Kelly Murawski  
Kelly Murawski, Paralegal